

Hand-Delivered

FILED
CHARLOTTE, NC

SEP 27 2023

UNITED STATES DISTRICT COURT

for the
WESTERN District of NORTH CAROLINAUS DISTRICT COURT
WESTERN DISTRICT OF NC

Division

DAIN ENNALS

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

SPENCER GIFTS
(DISTRIBUTION CENTER)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

3:23-cv-615-RJC

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

DAIN ENNALS
13000 S TRYON ST
CHARLOTTE MECKLENBURG
NORTH CAROLINA 28278
980 643 1798
sirdain@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

SPENCER GIFTS (DISTRIBUTION)

10627 NATIONS FORD RD #5762
CHARLOTTE MECKLENBURG
NORTH CAROLINA 28273
704 588 3545

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

FLSA U.S.C Article 8-section 7

Title VII Civil Rights Act 1964, OSHA (whistle blower)

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) SPENCER GIFTS, is incorporated under
the laws of the State of (name) NORTH CAROLINA, and has its
principal place of business in the State of (name) NORTH CAROLINA.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$7,500,000

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

III. Statement of Claim

① I, Dain Ennals, former employee at Spencer Gifts of Charlotte NC from 9/5/2021 through 10/16/2022, claim that defendant, subjected me to 'demeaning work tasks, ostracised me, and discriminated against me because I, by speaking or various means of writing, presented by means of communicated with co-employees, managers, team leaders and supervisors or other agents at Spencers, issues concerned violations of OSHA mandates regarding work place safety.

② I also claim that the defendant hired promoted, patronized, others employees in peer positions, yet denied me benefits, bonuses, insurance and other monies or earned financial security by employment because I complained about lack of visibility to time keeping / record keeping, performance tracking (objective) and other non-biased data that is required or guaranteed by the FLSA (Fair Labor Standards Act)

I³ also claim that the defendant demeaned me, belittled, chastised, over scrutinized me, degraded me, harassed me, intimidated, isolated, made racist based insults and jokes by means of writing, directly or indirectly verbal communications shared with other employees, and ultimately terminated me in retaliation for my reporting and complaining via email, written documents delivered to manager and talking or discussing these subjects with manager and so, violated my rights that are guaranteed and protected by Title VII - Civil Rights Act of 1964.

IV. Relief

I ask the court to order Spencers to pay damages of \$ 7,500,000 for violating my civil rights and other rights protected, for terminating me in retaliation thus denying earnings and other monies; which also caused me fear, anxiety, panic, shame, embarrassment and other forms of physical and emotional stresses that gave rise to historical levels of racist burdens and pangs that I labor with every day.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

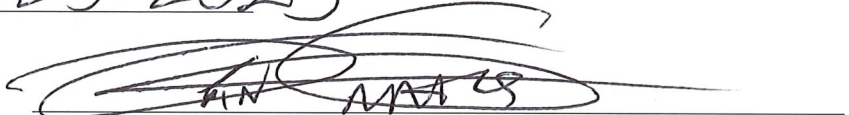
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

9 25 2023

Signature of Plaintiff



DAIN ENNALS

Printed Name of Plaintiff

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address